

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., February 25, 1992.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Vice Mayor John M. Owen, III; Councilman Ronnie C. Rice; and Councilman James A. Vest.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on February 25, 1992, were approved as mailed.

Police Sgt. Massey reported about an emergency services exercise that will be conducted in the City during March and April. He stated that further information will be given at the next regular meeting.

Councilman Rice brought to Council's attention a letter written by the Virginia Department of Transportation concerning funds to be spent for future transportation studies. Mr. Rice stated that was an item on the agenda of the Central Virginia Planning District Commission.

Vice Mayor Owen asked members of Council for suggested issues to be considered on Student Government Day.

Vice Mayor Owen asked if the proposed "Smart" highway between Roanoke and Blacksburg will still be funded. Mr. Owen asked for further information by the next Council meeting.

Councilwoman Grahame expressed concern regarding the State's methods for determining which intersections need stoplights.

Ms. Ellen Wandrei, Acting Director of the Bedford City/County Museum, asked Council to give consideration to the Museum's funding request of \$10,000 for Fiscal Year 1992-93. Ms. Wandrei gave a brief report regarding the Museum.

City Manager Gross stated that the City has received a check from the Commonwealth of Virginia Department of Health, Division of Emergency Medical Services, in the amount of \$1971.84. He stated that this amount represents the City's portion of the "Two-for-Life" funds.

On motion by Councilman Rice, seconded by Councilman Otey, voted upon and carried unanimously by the following roll call vote, Council approved the appropriation of funds from revenue account No. 011600160902 to the Life Saving Crew expenditure account, No. 0303203203056042 for the Two-for-Life Funds:

Councilman Brookshier      aye

Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	aye

City Manager Gross reviewed changes in the proposed Animal Control Ordinance made as a result of input from the public. Mr. Gross stated the ordinance provides that license and permit fees shall be established periodically by Council, and that a recommended fee schedule was included.

On motion by Councilman Brookshier, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council waived the reading of the proposed Animal Control Ordinance.

Councilman Brookshier moved that Council adopt the Animal Control Ordinance and also the fee recommendations as listed on page 22. The motion was seconded by Councilwoman Grahame.

A discussion ensued regarding Section 4.2 (i) "Control" of an animal, concerning the following: ...or is within the property limits of its owner or harbinger or upon the premises of another person with the consent of that person. The discussion concerned the opinion of judges if taken to court.

The City Manager stated that the number of charges related to the control issue and the outcome of those charges will be monitored and will be included in the regular monthly police reports to Council.

The motion was then voted upon and carried unanimously by the following roll call vote:

Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Mayor Shelton	aye

## Chapter 4

### Animal Control Ordinance

#### Article I

##### General Provisions

Section 4.1. Purpose. The purpose of this chapter is to promote harmonious relationships in the interaction between man and animal by:

- (a) protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (b) delineating the animal owner's or harboring's responsibility for the acts and behavior of his animal at all times;
- (c) providing security to residents from annoyance, intimidation, injury and health hazards by animals;
- (d) encouraging responsible pet ownership; and
- (e) providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever.

Section 4.2. Definitions. As used in this chapter:

- (a) "Animal" is any non human animate being which is endowed with the power of voluntary motion. Animal life other than man. Shall include all mammals, reptiles, fowls and fish.
- (b) "Animal Control Officer" is that person educated in the care, seizure, custody and confinement of animals or his agent as appointed by the City Manager and supervised by the Chief of Police.
- (c) "Animal nuisance" is created when an animal:
  - (1) runs uncontrolled;
  - (2) molests or disturbs persons or vehicles by chasing, barking or biting;
  - (3) attacks other animals;

(4) damages property other than that of the owner or harborer;

(5) barks, whines, howls, honks, brays, cries or makes other noises excessively;

(6) creates noxious or offensive odors;

(7) defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer; or

(8) creates an insect breeding and/or attraction site due to an accumulation of excreta.

(d) "Animal Shelter" is an approved facility, used to confine and house animals seized, lost, abandoned or given over by owners.

(e) "Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced and saliva of the biting animal has contacted the resulting break or abrasion of the skin.

(f) "Boarding kennel" is a licensed facility other than an animal hospital or the city's animal shelter where animals, normally dogs and cats not owned by the proprietor, are temporarily sheltered, fed, watered and exercised in return for a fee.

(g) "Breeder/Hobbyist" is any person who harbors five or more animals, breeds animals for profit or who produces more than two (2) litters of animals, normally dogs or cats, in any one (1) calendar year. Any person who breeds animals for profit must maintain affiliation in a nationally recognized society for the betterment, control and/or competitive display of an animal species.

(h) "Cat" is any member of the animal species *Felis Catus* four (4) months or more in age.

(i) "Control" of an animal means that same is on a leash not more than eight (8) feet in length; is under voice control in the presence of a competent person; is on or

within a vehicle being driven or parked; or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.

(j) "Dog" is any member of the animal species *Canis Familiaris* four (4) months or more in age.

(k) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

(l) "Euthanasia" is a death brought about by any method which produces rapid loss of consciousness to a painless death.

(m) "Exhibitor" is a person who exhibits animals, normally dogs and cats, for compensation or improvement of the breed.

(n) "Face bite" is a bite anywhere above the shoulders of a human.

(o) "Groomer" is a person who performs the service of trimming, bathing or pedicure of animals, normally dogs and cats.

(p) "Harborer" is any person who provides housing or shelter and assumes the responsibility of caring for an animal either permanently or temporarily.

(q) "Owner" is any person having right of property in any animal; who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.

(r) "Person" is any individual, of either gender, firm, corporation, partnership, association, trust, estate or other legal entity.

(s) "Pet shop" is an establishment operated by a person which acquires animals, birds, reptiles and fish bred by others whether an owner, agent or on consignment and sells, offers to sell, exchanges or offers for adoption with or without charge such animals, birds, reptiles and fish as domestic pets to the general public at wholesale or

retail. There shall be two classifications of pet shops, namely, (i) pet shops which do not handle dogs and cats, but handle exclusively other animals, birds, reptiles and fish, and (ii) pet shops which handle dogs and cats, and additionally handle other animals, birds, reptiles, and fish.

(t) "Trainer" is a person qualified by training and experience in various facets of animal life, normally dogs.

(u) "Vaccination" is the administration of antirabic vaccine by a licensed veterinarian at such intervals as required by state statutes and the State Department of Agriculture.

(v) "Vicious (dangerous) animal" is any animal, domestic or wild, known to attack a person where he may lawfully be at any time without provocation, or any animal that bites or otherwise injures a human.

(w) "Work dog" is any member of the animal species *Canis Familiaris* trained for and actively engaged in rescue, law enforcement or war work, or as a guide for the blind or deaf.

(x) "Voice control" is deemed to mean that an animal:

(1) is physically capable of hearing normal commands;

(2) is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary;

(3) has been adequately trained in obedience so as to be capable of understanding control commands; and

(4) either continually demonstrates, or is able to demonstrate on demand, response to a command that will cause the animal to immediately come into close proximity to the controller and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.

Section 4.3. Animal Control Officer. There is hereby created the position of Animal Control Officer within the

organization of the Police Department of the City of Bedford. The Animal Control Officer or his/her agent, or any officer of the law:

- (a) may enter upon private premises to apprehend a stray animal, a vicious animal, a wild creature or an animal suspected of being infected with rabies;
- (b) may enter upon private premises to investigate complaints of irresponsibility or inhumane animal care;
- (c) may seize, impound or dispose of any vicious animal of any kind when necessary for the protection of any person or animal; and
- (d) may do any other acts to carry out the purposes of this chapter.

All police officers for the City of Bedford are authorized to enforce the provisions of this chapter.

Section 4.4. Animal shelter. A facility for proper impoundment of animals on a temporary basis is provided by the City and such facility is designated in this chapter as the Animal Shelter.

Section 4.5. Shelter registry. The Animal Control Officer shall maintain a registry of all animals delivered to the Animal Shelter, including dates of receipt and discharge, reason for use, description of the animal, itemization of impoundment expense incurred and disposition.

Section 4.6. Responsible animal care. It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his animal:

- (a) sufficient quantity of good and wholesome food and water;
- (b) proper protection and shelter from the weather;
- (c) veterinary care when needed to prevent suffering;
- (d) humane treatment; and
- (e) prompt removal and sanitary disposal of all excreta deposited by his animal anywhere in the City.

Section 4.7. Rabies control. All cases of rabies occurring within the City shall be reported by the Animal Control Officer to the Bedford County Health Department. Upon notification by the health director that rabies exist or is threatened in the city or within five (5) miles of the corporate limits thereof, the city council may pass an emergency ordinance, effective immediately upon passage, to proclaim that an emergency exists, and may require for such period of time and in such manner and under such conditions as it may prescribe, the quarantine, vaccination, impounding, destruction or other disposition of animals in accordance with the recommendations of the health director.

(1) All persons shall, within twenty-four (24) hours, report to the health director all animal bites and animals suspected of being rabid. The report shall include the name and address of the person

bitten, the owner of the biting animal, if known, as

well as a description of the animal

Section 4.8. Rabies procedure. It shall be unlawful for the owner or harbinger of any animal to refuse or fail to promptly surrender any animal suspected of being affected by rabies. Any animal suspected of being affected by rabies shall be destroyed immediately or confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six (6) months at the expense of the owner; provided that if the bitten animal has been vaccinated against rabies within one year, the animal shall be revaccinated and confined to the premises of the owner for thirty (30) days. At the discretion of the director of the local health department, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time; provided that a seriously injured or sick animal may be humanely euthanized and its head sent to the state health department for evaluation. Disposition of the animal's body shall be controlled by the Animal Control Officer.

Section 4.9. Diseased animals. It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the City, or to ship or remove such animal from the owner's premises when same is afflicted with a contagious or infectious disease except under the supervision of the health officer. It shall be the duty of the health officer to order the disposition of such diseased animal and treatment of the affected premises to prevent the communication and spread of infection except in cases where the state veterinarian is empowered to act and does act.

Section 4.10. Cruelty to animals. It shall be unlawful for any person to:

(a) beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the City;

(b) sell, offer for sale, barter or give away as a pet or a novelty any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an artificial color thereto;

(c) sell, offer for sale, barter or give away as a pet or a novelty any baby chick or duckling under two months old in quantities of less than six;

(d) kill or wound, or attempt to kill or wound, or take the eggs or young of any game or song bird;

(e) knowingly poison or cause to be poisoned any

domestic animal except that common rat poison mixed

only with vegetable or grain substances may be exposed for the protection of property; or

(f) give away any domestic animal as a prize for or as an inducement to enter any contests, game or other competition; or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement when the offer was for the purpose of attracting trade.

(g) Anyone violating any provisions of this section shall be guilty of a class one misdemeanor.

Section 4.11. Nuisance prohibited. It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 4.2. Any animal found acting in any way forbidden by this chapter, in the determination of the Animal Control Officer, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation.

Section 4.12. Removal of excrement. No person shall appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such animal. This section shall not apply to a blind person while walking his or her guide dog.

Section 4.13. Wild creatures. It shall be unlawful for any person to keep, permit or have custody of anywhere in the City:

(a) any wild creature contrary to federal, state or local laws or regulations, except that such creature too young to survive without the presence of specie adults native to the area may be temporarily kept, cared for and protected in the same manner as domestic animals; or

(b) an imported creature as is subject to special permit and licensing by any department of the State of Virginia.

Section 4.14. Animal exhibitions. Exhibitions or parades involving ferae naturae or domestic animals or both may be conducted only upon the issuance of a permit therefor by the City Manager. Performing exhibits, circuses and parades must be investigated in advance as to purpose, intent, animal care procedures and assurances for human health and safety.

Section 4.15. Female animals in heat. All female animals in heat shall be confined in a building or secure enclosure or upon

leash in such a manner that the animal cannot come into contact with a male animal except for planned breeding.



Section 4.16. Biting animal. It shall be unlawful for the owner or harbinger of an animal involved in a biting incident to

euthanize, sell, give away or otherwise dispose of such animal until a full release on the incident has been issued by the Animal Control Officer. Animals, other than dogs and cats, must be examined by a veterinarian on the first (1st) and tenth (10th) day following a bite.

Section 4.17. Face bite procedure.

(a) Impoundment. Regardless of animal age or license status, the owner or harbinger of an animal inflicting a face bite shall impound the animal within twenty-four (24) hours with a licensed veterinarian if the animal species allows or with a humane organization where proper facilities are available. Such impoundment shall be for a period of ten (10) days.

(b) Impoundment exceptions. When the bitten person is a member of the same household as the owner or harbinger of the animal inflicting the face bite, such impoundment may be upon the premises. Impoundment shall mean within a structure or secure enclosure or upon leash only upon the premises of the owner or harbinger. The animal inflicting the face bite shall be examined by a licensed veterinarian on the first (1st) and tenth (10th) day of such confinement.

(c) Reporting. All incidents of face bite shall be reported immediately to the Animal Control Officer or his agent. The Animal Control Officer shall report all such incidents to the Bedford County Health Department on forms and in the time sequence required by that agency.

(d) Disposition of animal. It shall be unlawful for the owner or harbinger of an animal which has inflicted face bite for the second (2nd) time to dispose of such animal by sale, exchange, barter or give away without full disclosure of the animal's history.

Section 4.18. Stray animals. It shall be unlawful for the owner or harbinger of any animal to cause or allow the same

to run at large in the City or be picketed or tied in any public place for the purpose of grazing or feeding. It shall be the duty of the Animal Control Officer or his/her agent to apprehend and impound any animal not under control. In the event any such animal cannot be safely taken up and the animal is deemed to be a threat to any person or property, the Animal Control Officer is hereby empowered to eliminate same. Depending upon circumstances, impounding shall be in the Animal Shelter or other suitable place, deemed appropriate by the Animal Control Officer, in accordance to the following:

(a) Known ownership.

(1) When the owner or harbinger of a stray animal is known through licensing,

collar identification or other immediate means, the Animal Control Officer shall notify such person of the impounding in the most expeditious manner available.

(2) The release of an impounded animal shall not be made by the Animal Control Officer until all expenses of apprehension, notification and impounding have been paid by the owner or harborer. The expenses of apprehending,

notifying and impounding any dog or cat shall be set by council. Expenses for other animals shall be the actual cost incurred by the city or the fee charged for a dog or cat, whichever is the highest.

(3) If the impounded animal is one requiring a license and/or rabies vaccination, the owner or harborer shall have forty-eight (48) hours in which to present proof of licensing and/or rabies vaccination to the Animal Control Officer.

(4) The known owner or harborer of the stray animal shall have seven (7) days from the time of notification in which to claim the animal. Failure by the known owner or harborer to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming and the Animal Control Officer shall consign said animal to the Animal Shelter.

(b) Unknown ownership.

(1) When the owner or harborer of a stray animal cannot be ascertained, the animal shall be

locally impounded for no less than seventy-two (72) hours.

(2) If unclaimed beyond this time period, the Animal Control Officer shall consign said animal to the Animal Shelter. If, in the opinion of a licensed veterinarian, such animal is not suitable as a pet, same shall be euthanized.

(c) Disclaimed animals.

(1) If, for any reason, the owner or harbored of any stray animal chooses to disclaim ownership of same upon receipt of the impounding notification, the Animal Control Officer shall proceed to consign the disclaimed animal as provided in Section 4.20 without regard to the time period cited above.

Section 4.19. Vicious animals. It shall be unlawful for a person to keep or otherwise maintain within the City any animal which is known to be vicious or dangerous or which has evidenced a disposition to attack human beings without provocation. Any person convicted of this section shall be guilty of a class 1 misdemeanor.

Section 4.20. Disclaimed animals. If, for any reason, the owner or harbored of an animal chooses to disclaim ownership of same or voluntarily delivers the animal to be disclaimed to the Animal Control Officer and executes formal acknowledgment of such

an act, the Animal Control Officer shall process and house said animal in the Animal Shelter.

(a) Any person who abandons any dog, cat, or other domesticated animal in any public place including the right-of-way of any public highway or street or on the property of another shall be guilty of a Class 3 misdemeanor.

## ARTICLE II

### LICENSES

Section 4.21. License required. It shall be unlawful for any person to own or harbor any dog in the City without having first obtained a license or appropriate permit therefor by application to the City Treasurer. Only persons who comply with the provisions of this chapter shall be entitled to receive and retain such license.

Section 4.22. Application. Written application for a license shall be made annually by the owner on a form provided by the City. The owner shall be identified by name, address and telephone number

and the dog's sex, age, breed, color and call name and the rabies inoculation certificate number, date and administering veterinarian given.

Section 4.23. Rabies inoculation required. It shall be the duty of every owner of a dog or cat harbored in the City to have such dog or cat inoculated against rabies. The owner or harbored of such dog or

cat shall at all times keep in his possession evidence of rabies inoculation consisting of a certificate signed by the licensed veterinarian administering the vaccine. A copy of the certificate of rabies inoculation shall be presented with the application for license as required by Section 4.22. No license shall be issued unless such certificate bears a date within one (1) year prior to the date of license application if a one-year immunization vaccine was used, or within three (3) years prior to the date of license application if a three-year immunization vaccine was administered.

Section 4.24. License fee. The license for any dog shall expire on the 31st day of December following the date of its issuance. The annual license fee is payable within the first month of the calendar year or within one (1) week after the date on which such dog is acquired, whichever is later. The annual license fees shall be established periodically by the City Council for the following:

- (a) sexually altered dog
- (b) unaltered dog
- (c) duplicate tag

Written certification by a licensed veterinarian must be presented upon application for the fees applicable in (a) above.

Section 4.25. License exceptions. A current year license issued by another governmental jurisdiction which requires rabies inoculation as a licensing prerequisite will be honored by the City as a valid license through the above specified expiration date. No license fee shall be applied for work dogs.

Section 4.26. Tags. (a) The person to whom the license required by Section 4.24 is issued shall receive from the City Treasurer a metal tag stamped or otherwise permanently marked to show the jurisdiction issuing the license, the sex of dog, the calendar year for which issued and bear a serial number. It shall be unlawful for any person owning or having custody of any dog to cause or allow the same to be in any public place anywhere in the City unless such dog shall be wearing a collar to which a current tag is securely fastened. Any dog found in any public place not wearing a collar and tag for the current year shall be deemed a stray animal and shall be seized.

(a) The owner of the dog may remove the collar and license tag required by this section:

- (i) When the dog is engaged in lawful hunting.
- (ii) When the dog has a skin condition which would be

exacerbated by the wearing of a collar. (iii) When the dog is competing in a dog show.

(iv) When the dog is confined.

(v) When the dog is under the immediate control of its owner.

(b) The receipts shall be preserved by the licensee and exhibited promptly on request for inspection by the Animal Warden.

Section 4.27. Limitation. It shall be unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more than four dogs or cats, five (5) if neutered or spayed, in any combination thereof excluding work dogs, to be upon any property in the City. Clinics, grooming parlors, animal training schools, licensed animal shelters, boarding kennels, and the premises of breeders/hobbyists granted a permit shall be excluded from this section.

Section 4.28. Breeder/hobbyist permit.

(a) Application. Any person desirous of obtaining a breeder/hobbyist permit shall make application on forms provided by the City. No breeder/hobbyist permit shall be issued to any multiple family residential premises and only one (1) permit shall be issued to any one (1) household. Upon verification of the information provided; receipt of required certifications; satisfactory inspection of related premises and facilities by the City sanitarian; and payment of the fee involved, a breeder/hobbyist permit shall be issued.

(b) Fee. The permit for any breeder/hobbyist shall expire on the thirty-first (31st) day of December following its issuance. The annual fees for such licenses shall be established periodically by City

Council for:

(a) Breeders/hobbyists with more than four animals, five if sexually altered, but not more than ten (10).

(b) Breeders/hobbyists with more than ten (10)

animals.

Licensed kennels and pet shops that do not breed and sell animals shall not be required to purchase a breeder/hobbyist permit

(c) Revocation. Falsification of original application data or failure by the breeder/hobbyist to properly amend original application data as required during the licensing year shall be cause for revocation of the permit. Further, a nuisance judgment against the holder of a breeder/hobbyist permit may serve as a reason for permit revocation. Two (2) nuisance judgments against the holder of a breeder/hobbyist permit within any twelve (12) month period shall result in automatic revocation of the permit. Any breeder/hobbyist permit once revoked shall not again be issued in subsequent licensing years.

Section 4.29. Bite procedure. All incidents of bites by a dog or cat suffered by a human shall be reported to the Animal

Control Officer or his/her agent within twenty-four (24) hours. The Animal Control Officer shall report all bite incidents to the Bedford County Health Department on forms and in the time sequence required by that agency. Depending upon circumstances in each case, the following procedure shall apply.

(a) Licensed dog or vaccinated cat.

(1) The owner or harbinger of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian who shall submit a report to the Animal Control Officer within twenty-four (24) hours of the incident.

(2) The biter dog or cat may be impounded upon the licensed premises by the owner or harbinger. Impoundment shall mean within a structure or secure enclosure or upon leash only upon the premises of the owner or harbinger. The period of impoundment shall be ten (10) days.

(3) The owner or harbinger of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian again on the tenth (10th) day of impoundment. A written report by the veterinarian that the biter dog or cat is not affected by rabies, filed with the Animal Control Officer, shall terminate the impoundment.

(b) Unvaccinated dog or cat.

(1) The owner or harbinger of a biter dog or cat which has not been vaccinated shall have it examined immediately by a licensed veterinarian who shall submit a report to the Animal Control Officer within twenty-four (24) hours of the incident.

(2) The owner or harbinger will then impound the biter dog or cat in a licensed animal hospital for the required ten (10) day confinement period.

Section 4.30. Expense liability. The owner or harbinger of any dog or cat requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any

violations of this ordinance shall be responsible for all such expenses. In addition, failure to assume such expenses shall be deemed an act of disclaiming and the dog or cat involved shall be considered a stray animal.

(a) The City Council shall establish periodically the fees for the following:

(1) Impoundment

(2) Care and maintenance

(3) Destruction

(4) Giving notice of impoundment

(b) Veterinarian expenses shall be the actual cost

incurred by the city for such expenses.

### ARTICLE III

#### Other Animals

Section 4.31. Rabies inoculation recommended. All warm-blooded animals, domestic and wild, are susceptible to rabies. Once affected by rabies, the disease is fatal to uninoculated animals and untreated humans. The inoculation of dogs and cats as required by this chapter is recommended for all other domestic animals.

Section 4.32. Keeping of livestock, fowl and rabbits. It shall be unlawful for any person to keep livestock, fowl or rabbits within the City, except in accord with the provisions of the zoning ordinance.

Section 4.33. Beekeeping. It shall be unlawful for any person to maintain any apparatus, structure or device which has for its purpose the keeping of bees, or to in any manner encourage such bees to swarm or hive or otherwise remain within the City, except under the following conditions:

(a) Owners or keepers of bees shall apply for a permit from the City Manager who shall determine that all requirements of this section are met before the permit is issued.

(b) Bee hives shall not be located closer than forty (40) feet to any street or residence.

(c) Hives shall be kept clean and painted and not more than twelve (12) hives shall be kept at one location.

(d) Bees shall be handled in accordance with recommended safe management procedures.

Section 4.34. Growing, raising and keeping hogs. It shall

be unlawful for any person to grow, raise or keep any hogs within the city; provided, that hogs may be grown, raised or kept in hog pens located at least six hundred (600) feet from any residence or street of the city, and subject to the approval of the health director. In addition, any person that raises or keep hogs in the city shall also be in compliance with applicable provisions of the zoning ordinance [land development regulations].

Section 4.35. City designated bird sanctuary. The entire area embraced within the corporate limits of the City is hereby designated as a "bird sanctuary".

Section 4.36. Hunting, shooting, etc., birds; abatement of nuisances caused by birds. It shall be unlawful to trap, hunt,

shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided that, if starlings, pigeons, or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City, then such health authorities shall meet with representatives of the Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the City after having given at least three (3) days actual notice of the time and place of the meeting to the representatives of such clubs. If, as a result of such meeting, no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by such health authorities under the supervision of the chief of police.

Live pigeons or other birds or fowl shall not be kept or used for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship. It shall be a Class 4 misdemeanor to shoot at a bird kept or used as aforesaid, or to be a party to such shooting. Any person who lets any building, room, field or premises, or knowingly permits the use thereof for the purpose of such shooting shall be guilty of a Class 4 misdemeanor.

Section 4.37. Disposal of dead animals and fowl.

(a) When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner, if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover from the owner of every such animal so cremated or buried a fee of fifteen dollars (\$15.00), and of the owner of every such fowl so cremated or buried, a fee of five dollars (\$5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. However, if the

actual expenses are in excess of the above fees the

officer may collect the actual expenses incurred to

cremate or bury the animal.

(b) It shall be unlawful for any person to transport any

dead animal or part thereof or offal or waste

therefrom along, over and upon any street in the city unless fully covered with a heavy canvas or other material of like nature or unless transported in a fully enclosed vehicle.

(c) It shall be unlawful for any person to transport any



dead animal or part thereof or offal or waste  
therefrom over and upon any street of the city when  
from such dead animal, part thereof or offal or  
waste therefrom or the vehicle in or upon which the  
same is being transported there shall emanate an  
offensive odor or from which vehicle there shall  
spill, slosh, or be emptied any solid or liquid  
matter of an offensive odor.

(d) For the purpose of this section forthwith shall mean  
within 12 hours after the animal death.

(e) Nothing in this section shall be deemed to require  
the burial or cremation of the whole or portions of any animal or  
fowl which is to be used for food or in any commercial manner.  
(Code 1966, Section 3-1).

Section 4-38. Permit required for slaughtering. It shall be unlawful for any person in the city to slaughter for food any cattle, hog or sheep without first obtaining from the city manager a permit permitting such slaughter. The permit shall indicate the place where such animals are to be slaughtered. Prior to the issuance of the permit, the city manager shall approve the place where such animals are to be slaughtered. No such permit shall be granted by the council for slaughter within two hundred (200) yards of any dwelling house without the written consent of the occupant of such dwelling. Any such permit shall be revoked at any time upon the request of any person living within two hundred (200) yards of such place. This section, however, shall not be construed as to prevent any person from killing his own hogs, or the hogs of his neighbor, in conjunction with his own, upon his own premises between the first day of November and the first day of March in any year.

This section shall be subject to any applicable provision of the zoning ordinance [land development regulations]. (Code 1960 Section 3-5)

Section 4-39. Fighting cocks, etc: If any person engages in the fighting of cocks, or other animals, for money, prize or anything of value, or upon the result of which any money or other thing of value is bet or wagered, or to which an admission fee is charged, directly or indirectly, or for any championship, he shall be guilty of a Class 3 misdemeanor. (Code 1960, Section 14-23)

State law reference -- Similar state law, Code of VA. 3.1-796.125.

Section 4-40. Expense liability. The owner or harbinger of any animal other than a dog or cat requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any violation of this

ordinance shall be responsible for all such expenses. This shall include but is not limited to transportation costs, special equipment purchases and special housing that may be needed for the animal. In addition, failure to assume such expenses shall be deemed an act of disclaiming and the animal involved shall be considered a stray animal.

(a) The cost involved shall be the actual cost incurred by the city or the costs normally charged for dogs and cats, whichever is greater.

(b) Veterinarian expenses shall be the actual cost incurred by the city for such expenses.

## ARTICLE IV

### Boarding Kennels and Pet Shops

Section 4.41. License required. It shall be unlawful for any person to maintain or operate a kennel or pet shop without having first obtained a license. Application for such license shall be made in conformity with the general requirements of this chapter relating to license applications. Such application shall specify existing district zoning of the premises and the precise location upon the premises of the kennels or pens in which animals are to be kept. In addition, all kennels and pet shops shall comply with all applicable provisions of the zoning ordinance (land development regulations).

Section 4.42. Kennel Definition. A kennel is an enclosure or structure used to house, shelter, restrain, exercise, board, breed, handle or otherwise keep or care for more than 4 dogs, four (4) months of age or older, from which they cannot escape. The enclosure or structure shall not mean a dwelling or a fence used to demarcate a property line. Any private shelter established for the purpose of taking in strays, unwanted pets, etc. shall also be considered a kennel.

Section 4.43. Investigation. Upon receipt of such application, the City Manager shall cause an investigation to be made as in his judgment is necessary and may, in his discretion, cause a license to be issued to the applicant upon payment of the license fee.

Section 4.44. License fees. The license for any kennel or pet shop shall expire on the thirty-first (31st) day of December following its issuance. The annual fees for such licenses as established periodically by City Council for:

(a) (i) Pet Shops which do not handle  
dogs and cats

(ii) Pet Shops which handle  
dogs and cats

(b) Kennel with a capacity of ten (10)

animals or less

(c) Kennel with a capacity of more than ten

(10) animals

Should the business of buying, selling or dealing in birds, dogs or other small animals as household pets or for domestic purposes be conducted, operated, managed or carried on in connection with a boarding kennel on the same premises by the same person, then only one (1) license need be obtained. The amount of such license shall be the highest license fee applicable to a kennel. The licensee of any kennel or pet shop shall be held responsible for the proper licensing of each dog and cat which may be owned, kept or harbored at such kennel or pet shop in the City.

Section 4.45. Sanitation requirements. Every kennel and pet shop shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. All kennels, barns

and pens shall be cleaned and disinfected on a regular schedule, and shall be kept in a sanitary condition satisfactory to the City sanitarian who shall have the right to cause an inspection of said premises to be made from time to time.

Section 4.46. No person who has purchased a kennel or pet shop license shall be required to purchase a breeder/hobbyist permit unless they are breeding and selling dogs.

## ARTICLE VI

### Confinement and Disposition of Disclaimed or Stray Animals

Section 4.46. Confinement period. Any animal which has been confined in the City's Animal Shelter must be kept for a period of not less than seven (7) days, such period to commence on the day immediately following the day the animal is initially confined to the facility, unless sooner claimed by the owner thereof.

(a) Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the seven (7) day period set out herein after payment of the required license fee.

(b) In the event that the rightful owner shall claim the animal at any time, the custodian or finder shall relinquish possession of the animal to the rightful owner, who shall pay such custodian or finder taxes and fees incurred and a reasonable charge for the keep of the animal in his possession.

(c) If the rightful owner of the animal confined may be readily identified by checking its license tag or for the presence of tattoos, the Animal Control Officer shall make a reasonable effort to notify the owner of the animal of the animal confinement within forty-eight (48) hours next following its confinement.

Section 4.47. Disposition of unclaimed animal. If the animal has not been claimed, it may be humanely destroyed or disposed of according to provisions of paragraph (a).

(a) The animal may also be delivered to any person who proposes to adopt it as a pet or train it to perform some useful function such as assistance for the blind, detection of illegal drugs, etc. and who will pay the required license fee, if any, on the animal.

(b) No provision herein shall prohibit the destruction

of a critically injured or critically ill animal for

humane purposes. Any animal destroyed pursuant to the provisions of this section shall be euthanized by one of the methods prescribed or approved by the

State Veterinarian.

Section 4.48. Animal Shelter. The animal shelter shall be accessible to the public at reasonable hours during the week.

Section 4.49. Nothing in this article shall be construed to prohibit confinement of other companion animals in an animal shelter or enclosure. Neither shall any provision prohibit the destruction for humane purposes of any animal not weaned whether or not the animal is critically injured or critically ill.

## ARTICLE V

### Penalties

Section 4.50. Nuisance violation. Any person found guilty of permitting a nuisance to exist as defined by Section 4.2 in violation of Section 4.11 shall be fined:

(a) not less than \$15.00 nor more than \$25.00 for the first offense;

(b) not less than \$25.00 nor more than \$50.00 for the second offense within a consecutive twelve (12) month period;

(c) not less than \$50.00 nor more than \$500.00 for the third offense within a consecutive twelve (12) month period; and/or

(d) ordered to remove such animal permanently from the City within twenty-four (24) hours of such order.

Section 4.51. Vicious animal violation. Any person found guilty of keeping or maintaining a vicious

animal as defined by Section 4.2(v) in violation of Section 4.19 may be:

(a) fined not less than \$100.00 nor more than \$500.00; and/or

(b) ordered to remove such animal from the City within twenty-four (24) hours of such order or within twenty-four (24) hours after the rabies observation period has expired, if applicable.

Section 4.52. Other violations. Any person found guilty of violating any provision of this chapter, unless otherwise stated, shall be fined not less than \$15.00 nor more than \$100.00 for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue.

Section 4.53. Citations. For any of the violations enumerated in Sections 4.11, 4.12, 4.15, 4.16, 4.18, 4.21 - 4.30,

4.31 and 4.34, the animal warden or a police officer may, in lieu of the issuance of a criminal warrant or summons charging a violation of the provisions of these sections and in addition to, or in lieu of impounding, issue to the known owner or harbinger of any such animal found to be in violation of any of the above enumerated sections, a notice of violation of said section.

Such notice shall impose upon the owner or keeper a penalty of \$15.00 for the first offense and \$25.00 for the second offense which may at the discretion of the owner or harbinger, be paid to the city treasurer within five (5) days in full satisfaction of the assessed penalty; provided however, that the violation for which the notice is issued has been abated. In the event such penalty is not paid within the time prescribed, a criminal warrant or summons citing the particular section violated shall be issued, and the stated penalty of the section violated shall apply.

In the event of a third offense, a summons or criminal warrant citing the particular section violated shall be issued.

Fees recommendation:

Licenses

Sexually altered dog: \$3.00

Unaltered dog: \$5.00 (County has 5.00)

Duplicate tag: \$1.00

Shelter fees:

Impoundment: \$10.00

Care & Maintenance: 3.00 per day

Destruction fee: 5.00

Give notice of

impoundment: 5.00

License fees for pet shops

Handling dogs & cats: 50.00

Not handling dogs & cats: 25.00

Kennels:

Capacity of 10 or less: 25.00

Capacity over 10: 50.00

Breeder/hobbyist permits:

Over 10: 50.00

Over 5 but not more

than 10: 25.00

The City Manager stated that Council had received reports from Wiley & Wilson and Thompson & Litton concerning the repair of the Stoney Creek Reservoir. Mr. Gross reviewed reasons for obtaining engineering services: 1. The City would have a better understanding of the nature of the problem prior to contracting with a construction firm; 2. The City would have an engineering solution for the contractor to follow.

City Manager Gross stated that the procurement ordinance requires that in a case of an emergency a contract could be awarded without competitive negotiations. Mr. Gross reported that the State Dam Inspector from the Department of Conservation and Historic Resources has also inspected and recommends that the City proceed with the necessary repairs immediately. Mr. Gross stated that Council has received copies of a memorandum from the Water Treatment Superintendent which provides written determination of the basis for the emergency and for the selection of Thompson & Litton as that firm is presently under contract for the City's dam inspections. Mr. Gross indicated that this memorandum will be included in the contract file; and a notice stating that the contract is being awarded on an emergency basis will be posted as required under Section 11-41(D) and (E) of the Code of Virginia.

City Manager Gross requested that Council make an appropriation from the unappropriated contingency to

contract with Thompson & Litton for the necessary engineering under the basis of the fact that it is an emergency contract that is being let.

On motion by Councilwoman Grahame, seconded by Councilman Otey, voted upon and carried unanimously by a roll call vote, Council authorized the expenditure of not more than \$10,093.20 from the unappropriated contingency to Account No. 1800018020070124 for engineering services with Thompson & Litton, Inc., for the repair to the Stoney Creek Reservoir, and this expenditure would constitute an emergency. Roll call vote follows:

Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Mayor Shelton	aye

The City Manager stated that a number of months ago the City employed Thompson & Litton, Inc., to prepare the City's Solid Waste Management Plan and submit the City's Landfill Closure Plan to the state Department of Waste Management. Mr. Gross stated that Council received a report that new federal regulations regarding municipal solid waste landfills were placed into effect. He stated that federal regulations are "self-implementing"; however, the regulations will probably be adopted by the Department of Waste Management. Mr. Gross indicated that under the new regulations, the City's lateral/vertical expansion of the existing landfill may not be practical. Thompson & Litton is now recommending that the City close the existing landfill prior to October 9, 1993. Mr. Gross said that in order to determine the feasibility of this recommendation, it will be necessary to conduct some evaluation of a new site. Mr. Gross indicated this would include subsurface exploration, field engineering, boring, geophysical survey and a preliminary geotechnical engineering study. The cost for completing this work would be \$11,213.20. Mr. Gross recommended that the City extend its contract with Thompson & Litton to include these services.

Councilman Vest moved that Council authorize the expenditure of not more than \$11,213.20 from the unappropriated contingency to Account No. 0404204204070002 for analysis of the new landfill site. The motion was seconded by Councilwoman Grahame.

Discussion ensued regarding alternate means of waste disposal.

The motion was then voted upon and carried unanimously by the following roll call vote:

Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye

Councilwoman Grahame	aye
Councilman Otey	aye
Mayor Shelton	aye

On motion by Councilman Vest, seconded by Councilman Otey, voted upon and carried unanimously by a roll call vote, Council adjourned into a joint executive session with the City Planning Commission and the Board of Zoning Appeals for consultation with staff and legal counsel concerning planned residential zoning, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended. Roll call voted follows:

Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	aye
Mayor Shelton	aye

Council adjourned into executive session at 8:28 p.m. Non-council members attending were: members of the City Planning Commission, members of the Board of Zoning Appeals, City Manager Gross, City Attorney Berry, Director of Community and Economic Development English, and Clerk of the Council Hatcher.

Council reconvened into open session at 9:30 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilwoman Grahame moved that the resolution be approved as read. The motion was seconded by Councilman Otey, voted upon and carried unanimously by the following roll call vote:

Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye



Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Mayor Shelton	aye

Mayor Shelton adjourned the meeting at 9:31 p.m.